

MAR 16 2006

NOT FOR PUBLICATION

**UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT**

**CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS**

ISHKHAN KIRAKOSYAN;
NAIRA KIRAKOSYAN,

Petitioners,

v.

ALBERTO R. GONZALES, Attorney
General,

Respondent.

No. 04-76504

Agency Nos. A75-729-511
A75-729-512

MEMORANDUM*

On Petition for Review of an Order of the
Board of Immigration Appeals

Submitted March 8, 2006**

Before: CANBY, BEEZER, and KOZINSKI, Circuit Judges.

Ishkhan Kirakosyan and his wife, Naira Kirakosyan, natives and citizens of
Armenia, petition for review of the Board of Immigration Appeals' order

* This disposition is not appropriate for publication and may not be
cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

** The panel unanimously finds this case suitable for decision without
oral argument. *See* Fed. R. App. P. 34(a)(2).

summarily affirming an immigration judge's ("IJ") decision denying their application for asylum, withholding of removal, and relief under the Convention Against Torture ("CAT"). We have jurisdiction pursuant to 8 U.S.C. § 1252. We review for substantial evidence, and may reverse only if the evidence compels a contrary conclusion. *Chebchoub v. INS*, 257 F.3d 1038, 1042 (9th Cir. 2001). We deny the petition for review.

Substantial evidence supports the IJ's finding that, even if the testimony was credible, the petitioners failed to satisfy their burden of establishing that they are eligible for asylum or withholding of removal. The lead petitioner testified that he was beaten once and taken to the hospital in 1995 because he was critical of the government, and fled Armenia in 1999 after other members of his political party were arrested. These incidents do not compel a finding that the petitioners were persecuted or have an objectively reasonable fear of future persecution. *See Prasad v. INS*, 47 F.3d 336, 339-40 (9th Cir. 1995) (finding no past persecution or well-founded fear of future persecution where the petitioner was arrested, detained for several hours, and beaten by members of the military).

Substantial evidence also supports the IJ's denial of the petitioners CAT claim because they failed to show it was more likely than not they would be

tortured if they returned to Armenia. *See Kamalthas v. INS*, 251 F.3d 1279, 1284 (9th Cir. 2001).

PETITION FOR REVIEW DENIED.